IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.168 OF 2007

Lalji Umershi Veera. ...Petitioner.

Versus

1. M/s.Pradeep Enterprises,
2. State of Maharashtra. ...Respondents.

....

Mr.S.V.Marwadi, Adv. for the Petitioner.
Mr.K.N.Bhatia and Mr.P.R.Ved, Advs. for respondent No.1.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 4th May, 2007.

P.C.:

1. Heard the learned Advocate for the petitioner-orig.accused No.2, the learned Advocate for respondent No.1-orig.complainant and the learned APP for the State. The complainant is present before the Court.

2. By judgment and order dated 16.9.2006 passed in Case No.2070/SS/2005 the learned Metropolitan Magistrate, 6th Court, Mazgaon, Mumbai, convicted petitioner-orig.accused No.2 for the offence under Section 138 of N.I.Act, and sentenced him to suffer RI for four months. The

petitioner was further directed to deposit compensation of Rs.2 lacs in the trial Court, in default to suffer SI for four months. Being aggrieved thereby, the petitioner preferred Criminal Appeal No.179 of 2006. The said appeal came to partly allowed, and the conviction of the petitioner was confirmed. Being aggrieved thereby, this Revision has been preferred.

3. During pendency of this Revision, the parties have arrived at consent terms. The consent terms, which have been tendered in Court, are taken on record and marked "X" for identification.

4. In view of the consent terms, the orig.complainant is permitted to withdraw the amount of Rs.1 lac which has been deposited by the petitioner before the trial Court. In addition to this, the petitioner to pay the complainant an amount of Rs.1,10,000/- by cash or D.D. on or before 1st November, 2007. The complainant, who is present in Court, states that in view of the settlement arrived at, he does not wish to continue with the prosecution against the petitioner and the case against the petitioner may

be quashed.

5. In view of the above statement, the prosecution against the petitioner is quashed and the petitioner is acquitted therein. It is made clear that if the amount of Rs.1,10,000/- is not paid by the petitioner to the complainant by 1st November, 2007, this order shall stand automatically cancelled and the Revision shall stand revived.

6. Revision Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)